

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA

v.

No. 3:24-CR-48
Varlan/Poplin

BARABARA MULLINS and
CALEB MULLINS

MOTION TO DISMISS COUNTS 1-15 OF THE INDICTMENT

Come the defendants, Barbara Mullins and Caleb Mullins, through counsel, pursuant to Federal Rule of Criminal Procedure 12(b)(3)(B)(v), and the Fifth and Sixth Amendments to the United States Constitution, and respectfully move the Court to dismiss Counts 1-15 of the Indictment filed on May 15, 2024. Counts 1-15 allege violations of 18 U.S.C. § 1347 (Health Care Fraud) and 18 U.S.C. § 1349 (Conspiracy to Commit Health Care Fraud). The Defendants submit that the underlying program at issue in this case, the Energy Employees Occupational Illness Compensation Program Act, does not qualify as a “health care benefit program” under 18 U.S.C. § 24(b) and 18 U.S.C. § 1347. Accordingly, counts 1-15 of the Indictment must be dismissed.

Respectfully submitted on April 7, 2025.

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